IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL,

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 7165 of 1999

Between:

G. Subba Ramaiah S/o Anjaneyulu
Chairman, Vidya Committee, KGM Girls High School, Chirala
R/o 1-34-11, Gandhinagar, Chirala, Prakasam District.

..... PETITIONER

AND

1 The Chirala Municipality, represented by its Commissioner,

Chirala.
2 The Chairman, Chirala Municipality, Chirala.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass a writ or order more particularly in the nature of Writ of Mandamus, declaring the action of the respondents in attempting to construct shopping complex in the premises of the Girls High School as arbitrary and against the interest of the public at large and consequently direct the respondents not to construct shopping complex in the premises of the Kasturbai Gandhi Memorial Municipal Girls High School, Chirala and to pass such other and further orders as the in the circumstances if the case.

Counsel for the Petitioner: Smt. Madhavi Kumbhanpati.

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMINISTRATION & URBAN DEVELOPMENT.

Counsel for the Respondent No.2: Mrs. S. Narayana Reddy, Standing Counsel for Municipal Corporation, Hyderabad.

The Court made the following :

O R D E R: (Per the Hon'ble Sri Bilal Nazki, ACJ):

This writ petition has been filed challenging the proposed action of the respondents to construct a shopping complex in the premises of a school building.

Learned counsel appearing on the other side has filed a memo signed by the Commissioner of Chirala Municipality. According to which, the Municipality has already passed a resolution proposing construction of a compound wall around the school and Rs.3,00,000/- have already been earmarked for the purpose and the proposal for construction of the shopping complex has been dropped.

In view of this memo, we direct that no shopping complex shall be constructed within the premises of the school.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

5th April, 2005.

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(Dr.G.Yethirajulu,J)

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To

1 The Commissioner, Chirala Municipality, Chirala.

2 The Chairman, Chirala Municipality, Chirala.

3 Two C.Cs to the Government Pleader for Municipal Administration & Urban Development, High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies